

1:10V184

Defendants.

Act (“PLRA”) requires that “if a prisoner brings a civil action or filed an appeal in forma pauperis, the prison shall be required to pay the full amount of a filing fee.” 28 U.S.C. § 1915(b)(1). Willie Glascoe may not join Plaintiff in this lawsuit so as to pro-rate the mandatory filing fee. Hubbard v. Haley, 262 F.3d 1194 (11th Cir. 2001). Mr. Glascoe will be dismissed. He may file a separate Complaint; pay a separate filing fee; and establish that he has exhausted his administrative remedies.

Plaintiff Watterson alleges that his legal mail has been opened outside of his presence, his outgoing mail is being censored and read resulting in disciplinary infractions against him based on the content of his mail; his mail is purposely lost or misplaced and Officer Fox and Officer Boone searched his cell resulting in his legal papers being disturbed.

With respect to his claim against Officers Fox and Boone for searching his cell and disturbing his legal papers, such claim must be dismissed. Prisoners have no expectation of privacy in their cells or in their possessions; hence the Fourth Amendment is not applicable to searches of prison cells. Hudson v. Palmer, 468 U.S. 517, 525-26 (1984). Therefore, Plaintiff’s claim regarding the search of his cell must be dismissed and Officers Fox and Boone are also dismissed.

After careful review of the Plaintiff’s Complaint, the undersigned finds that the remaining Defendants should file an Answer to the remaining claims in Plaintiff’s Complaint detailing Plaintiff’s allegations and responding to each.

ORDER


NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Plaintiff Willie Glascoe is dismissed and should be removed from the caption of this case,
2. Officers Fox and Boone are dismissed as Defendants and should be removed from the caption of this case;

- _____ 3. Plaintiff's claim regarding the search of his cell and the resulting mix up of his legal papers is dismissed for failure to state a claim upon which relief may be granted;
4. The Clerk shall issue summons and deliver it forthwith to the U.S. Marshall who will make service of process without additional cost; and
5. Defendants shall file an Answer to the remaining claims in Plaintiff's Complaint in accordance with the Federal Rules of Civil Procedure.

SO ORDERED.

Signed: September 7, 2010


Robert J. Conrad, Jr.
Chief United States District Judge

